

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 15, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, May 1, 2002 Worksession.

Action: Approved, (LLM/DLB, 5-0).

2. **A-5761, Appeal of Carol Lynn Green** (Department of Permitting Services (DPS) – Building Permit No. 269736). Letter to the Board from Susan W. Carter, Esquire, requesting to intervene for Josh Pollak, owner of the subject property. Also included is a letter from the appellant stating no opposition to the request to intervene and a Discovery Request.

Action: (1) Granted motion to intervene; (2) the Board to consolidate the hearing dates of A-5761/Green and A-5749/Siegel pending confirmation from the parties, (DLB/LLM, 5-0).

3. **CBA-842-A, Petition of Lazlo N. Tauber** (commercial recreational establishment). Inspection report from Stanley N. Garber, Zoning Investigator, DPS. Also included is a letter to the Board from Susan W. Carter, Esquire, regarding the need to modify the special exception.

Action: DPS to make the determination regarding a violation of the special exception conditions, consensus.

4. **CBA-1202-A, Petition of Bar-T-Inc. (Bar-T Ranch)** (child day care facility). Letter to the Board from Emily J. Vaias, Esquire, transmitting a Memorandum/Annual Report from the special exception holder and a request for an administrative modification. (Large exhibit: landscape and lighting plan).

Action: (1) Re-opened the record to include the Memorandum/Annual Report; (2) granted administrative modification request, (AIF/AMC, 5-0).

5. **CBA-1389-D, Petition of St. Andrews Episcopal School, Inc.** (private educational institution). Letter to the Board from Robert G. Brewer, Jr., Esquire, requesting to defer the time of the Lacrosse Review Hearing.

Action: Item deferred until 5/29/02 worksession.

6. **CBA-2876-A, Petition of Great Hope Homes, Inc.** (community redevelopment project). Letter to the Board from William J. Chen, Jr., Esquire, requesting that the special exception modification request be referred to the Office of the Hearing Examiner to accommodate an earlier hearing date than currently scheduled with the Board of Appeals.

Action: Granted request to refer, (AIF/AMC, 5-0).

7. **S-731 [S-731-A], Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Bonnie Lamoree, McDonald's Corporation, requesting an administrative modification.

Action: Granted administrative modification request, (AMC/AIF, 5-0).

8. **S-1049, Petition of Pentalpha Masonic Temple and Library Association, Inc.** (service organization). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of an outstanding notice of violation for the special exception use and requesting a show cause hearing.

Action: Schedule Show Cause Hearing, (LLM/DLB, 5-0).

9. **S-1509, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Bonnie Lamoree, McDonald's Corporation, requesting an administrative modification.

Action: Granted administrative modification request, (LLM/AMC, 5-0).

10. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board from C. Robert Dalrymple, Esquire, with a timetable for the proposed text amendment.

Action: Re-opened the record to include Mr. Dalrymple's letter, (LLM/DLB, 5-0).

11. **S-2253, Petition of Bell Atlantic NYNEX Mobile** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from M. Gregg Diamond, Esquire, with the additional information requested by the Board for an administrative modification.

Action: Granted administrative modification request, (AIF/AMC, 5-0).

12. **S-2376 and S-2377, Petitions of Eisenstadt, Trustee for Edgewood Hill Associates** (child day care facility and housing for the elderly or handicapped persons). Letter from Steven A. Robins, Esquire, requesting a one year extension of time.

Action: Granted a one year extension of time (AIF/AMC, 5-0).

13. **S-2437, Petition of Elgin C. and Madeline M. Cowart** (accessory apartment). Letter to the Board from the petitioners withdrawing the petition and requesting a refund of the filing fee.

Action: (1) Dismissed the petition as withdrawn, (2) denied request for refund of the filing fee in accordance with the Board's Rules of Procedure, (DLB/LLM, 5-0).

14. **S-2502, Petition of Zohreh S. Naghashfar** (accessory apartment). The Board has received no response to its letter sent to the petitioner regarding proceeding with the special exception hearing.

Action: Dismissed the special exception request, (DLB/LLM, 5-0).

15. **S-2505, Petition of KFC of America, Inc.** (drive-in restaurant). Letter to the Board from Emily J. Vaias, Esquire, requesting that the record be referred to the Office of the Hearing Examiner. Also included is a letter from Norman G. Knopf, Esquire, representing Woodmoor-Pinecrest Citizens Association, in opposition to the request to refer the record to the Office of Hearing Examiner.

Action: Denied request to refer the record to the Office of the Hearing Examiner, (LLM/DLB, 5-0).

16. **S-2518, Petition of Paul R. Scribner** (accessory apartment). Letter to the Board from the petitioner requesting an expedited hearing.

Action: Refer the case to the Office of the Hearing Examiner, (DLB/LLM, 5-0). (Hearing scheduled for 7/30/02 @ 9:30 a.m.)

WAIVER REQUEST:

17. Letter to the Board from Edna Larson, requesting a waiver of the filing fee for the administrative appeal.

Action: Denied request to waive the administrative appeal filing fee, (LLM/AMC, 5-0).

INFORMATION ITEM:

18. **A-5710, Petition of John A. Ticktin** (one-story addition). Letter to the Board from the petitioner with a revised variance request. The petitioner to proceed with the original variance request. The Board's Opinion was issued on 5/8/02.

Action: No action required by the Board.

PENDING ITEMS:

19. **CBA-1251-A [CBA-1251, CBA-2495], Petition of United Church of Christ Home, Inc.** Letter to the Board from Steven A. Robins, requesting an administrative modification. Mr. Robins requests that if a modification is not required, that the filing fee be refunded and that the portion of the already approved modification be maintained as part of the approval. (Large exhibits: zoning vicinity map, first floor plans, elevations, subdivision plat and site plan). Item deferred until the Zoning Text Amendment (ZTA) is effective. Mr. Robbins to draft the Resolution.

20. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

21. **CBA-2117-A, Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, with a revised lighting plan. Board requests details regarding the lighting levels from Mr. Delaney.

22. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.

PENDING ITEMS (continued):

23. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.

24. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

25. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.

26. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.

27. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

28. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.

29. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter of clarification and confirmation to the Board from William Kominers, Esquire, regarding the activities occurring at the special exception property. Item deferred for DPS inspection of the special exception property.

30. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

Board Members

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Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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WORKSESSION ADDENUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 22, 2002, 9:30 A.M.

ACTION CALENDAR:

1. **CBA-1577, Petition of Stanley J. Nadonley, Trustee** (golf course and country club). Letter to the Board from Dino C. La Fiandra, Esquire, requesting an extension of time for the submission of the special exception modification request.

Action: Granted extension of time to file modification request until 7/22/02, (AMC/AIF, 5-0).

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WORKSESSION AGENDA

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Wednesday, May 22, 2002, 9:30 A.M.

ACTION CALENDAR:

1. **S-2486, Petition of Green Acres, LLC** (riding stable). Motion to Advance Hearing and Request to Transfer to the Hearing Examiner from Stephen J. Orens, Esquire.

Action: Deferred item until a later worksession, consensus.

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